

By



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/461,335	12/15/1999	KAZUO TANAGUCHI	826.1581/JDH	3674
21171	7590	08/23/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			NGUYEN, KIMBINH T	
			ART UNIT	PAPER NUMBER
			2671	

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/461,335	Applicant(s) TANAGUCHI ET AL.	
	Examiner Kimbinh T. Nguyen	Art Unit .2671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to amendment filed 07/01/04.
2. Claims 1-16 are pending in the application.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 09/07/04 was filed after the mailing date of the Non-Final Rejection Office Action on 01/28/04. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Kazuo et al. Japanese Patent Application: H03-131981 (translation), 1991.

Claim 1, Kazuo et al. discloses selecting a figure formed by figure elements (the image searching unit 11..., page 4, paragraphs 4 and 5; fig. 2(a): the circle shape image sign in the center of the drawing is selected, the triangle shape image sign that is connected to the circle sign is selected; page 4, paragraph 6), comprising: designating one of the figure elements (a selection instruction of a preassigned form input via the input unit (12), see page 1, section 2. scope of claims); retrieving another figure element

Art Unit: 2671

which is connected with and/or is regarded to be connected with the designated figure element (the retrieving part 11 retrieves connecting relation information 14 by means of the informed ID name, obtains the ID name of the graphic connected to the graphic concerned from the list (see abstract).

Claim 2, Kazuo et al. discloses retrieving figure elements in a neighborhood of the designated figure element (the image searching unit (11) identifies an image that has a predetermined connection relation with the currently selected image; see page 1, section 2. scope of the claims).

Claim 3, Kazuo et al. discloses retrieving figure elements adjacent to the retrieved figure elements (inputting a next selection instruction and have the image items following thus selected one are selected in succession afterward; see page 4, paragraph 5).

Claim 4, Kazuo et al. discloses performing a retrieval process a predetermined number of times (the image searching unit 11 is configured to point out one image item at a time even in a case in which there are more than one image items connecting in parallel with a currently selected image item in a certain manner; see page 4, paragraph 5).

Claim 5, Kazuo et al. discloses displaying the figure elements retrieved by the retrieving in a style different from that of other figure elements (if desired, the image processing unit 1 may display these selected image items in a manner distinguishable from other image items; see page 2, section "Prior art technology and problem to be solved by invention").

Claims 6-10, Kazuo et al. teaches a figure selection device, comprising : a figure designation unit ((image processing 10); a figure element retrieval unit (a retrieving part 11 or image searching unit 11). In addition, the rationale provided in the rejection of claims 1-5 are incorporated herein.

Claims 11-15, Kazuo et al. teaches a computer-readable storage medium (input unit 12. In addition, the rationale provided in the rejection of claims 1-5 are incorporated herein.

Claim 16, Kazuo et al. discloses defining relationship of the elements of the figure (fig. 1 generates the connection relation data sets data is concerned, with various image signs and line connecting between these image signs; page 4, paragraph 1); automatically retrieving elements of the figure upon selection of elements in the relationship (automatically selecting image items connected to a selected image item in association with the need of selecting image items one by one as image items constituting the processing objects; see page 5, section "Benefit of invention").

Response to Arguments

6. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2671

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimbinh T. Nguyen whose telephone number is (571) 272-7644. The examiner can normally be reached on Monday to Thursday from 7:00 AM to 4:30 PM. The examiner can also be reached on alternate Friday from 7:00 AM to 3:30 PM.

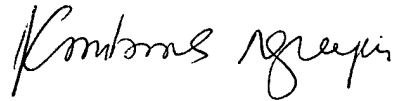
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka Chauhan can be reached at (571) 272-7782. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Art Unit: 2671

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 22, 2005

A handwritten signature in black ink, appearing to read "Kimbinh T. Nguyen". The signature is fluid and cursive, with the first name "Kimbinh" and last name "Nguyen" clearly distinguishable.

KIMBINH T. NGUYEN
PRIMARY EXAMINER